E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
7/4/2024 5:19 PM

E-FILED; Anne Arundel Circuit Court
Docket: 1/31/2023 11:24 AM; Submission: 1/31/2023 11:24 AM

IN THE MATTER OF JUSTIN K HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT FOR
v.	*	ANNE ARUNDEL COUNTY
	*	MARYLAND
Defendant	*	Case No.: C-02-CV-22-001474

* * * * * * * * * * * * *

ORDER

1.31.2023 CLD

Upon review of the file, the Court notes the filing of an Amended Complaint 12/3/22, as well as a Second Amended Complaint filed 1/8/23, and a Third Amended Complaint filed 1/20/23. The Motion to Dismiss or Alternatively, Motion for Summary Judgment filed 12/19/22 was filed based upon the information in the Original Complaint. Therefore, it is hereby

ORDERED, that the 2/3/23 Hearing on Respondent's 12/19/22 Motion and Petitioner's 12/20/22 Opposition thereto is hereby VACATED.

01/27/2023 5:29:44 PM

01/27/2023
Date

Judge
Judge Cathleen M. Vitale
Circuit Court for Anne Arundel County

E-FILED; Anne Arundel Circuit Court
Docket: 3/27/2023 12:33 PM; Submission: 3/27/2023 12:33 PM

JUSTIN K HOLDER	*	IN THE
Plaintiff	*	CIRCUIT COURT FOR
v.	*	ANNE ARUNDEL COUNTY
MARYLAND DEPARTMENT OF NATURAL RESOURCES	*	MARYLAND
Defendant	*	Case No.: C-02-CV-22-001474

* * * * * * * * * * * * *

ORDER

Upon consideration of the *Motion to Dismiss and/or for Summary Judgment* thereof (docketed February 6, 2023), filed by the Defendants, State of Maryland, Department of Natural Resources, and Anthony Burrows, and the *Opposition* thereto (docketed February 7, 2023), filed by the Plaintiff, Justin Holder, it is by the Circuit Court for Anne Arundel County, Maryland, HEREBY

ORDERED, that the Defendants' Motion to Dismiss and/or for Summary Judgment is **DENIED**.

IT IS SO ORDERED.

03/24/2023 5:21:03 PM

03/23/2023
Date

Judge Elizabeth S. Morris
Circuit Court for Anne Arundel County

Elizabeth S. Morris

03/27/2023 GNT

E-FILED; Anne Arundel Circuit Court
Docket: 3/21/2024 2:37 PM; Submission: 3/21/2024 2:37 PM
Envelope: 15836827

IN THE MATTER OF JUSTIN HOLDER	*	**IN THE**
	*	**CIRCUIT COURT FOR**
	*	**ANNE ARUNDEL COUNTY**
	*	**MARYLAND**
	*	**Case No.: C-02-CV-22-001474**

* * * * * * * * * * * * *

ORDER

Upon consideration of Respondent's Motion to Dismiss, docketed March 4, 2024 and Petitioner's Opposition thereto, docketed March 14, 2024, it is, by the Circuit Court for Anne Arundel County, Maryland hereby

ORDERED that Respondent's Motion to Dismiss is **DENIED** per the Pre Trial Order docketed December 1, 2023.

03/21/2024 GS

03/20/2024 10:31:07 AM

Judge Alison L. Asti

Date

Judge Alison L. Asti
Circuit Court for Anne Arundel County

E-FILED; Anne Arundel Circuit Court
Docket: 3/1/2024 7:13 AM; Submission: 3/1/2024 7:13 AM
Envelope: 15601311

In the Matter of Justin Holder	*	IN THE
Plaintiff	*	CIRCUIT COURT FOR
v.	*	ANNE ARUNDEL COUNTY
	*	MARYLAND
Defendant	*	Case No.: C-02-CV-22-001474

* * * * * * * * * * * * *

ORDER

Upon consideration of the Consent Motion for Witness D. Bruce Poole to Appear Via Remote Means filed 2/15/24, and any response thereto, it is hereby

☒ **ORDERED**, that the Motion is **GRANTED.** Witness, D. Bruce Poole shall be permitted to appear remotely for the Trial 4/5/24 at 9:00 a.m. The method of remote appearance shall be via:

☐ CourtCall;

☐ ConferenceNow;

☒ Zoom.

See attached instructions for the method of remote appearance checked above.

☐ **ORDERED**, that the Motion is **DENIED**.

3/1/2024 BJK

02/29/2024 12:15:08 PM

02/29/2024
DATE

JUDGE
Judge Cathleen M. Vitale

E-FILED; Anne Arundel Circuit Court
Docket: 3/19/2024 2:50 PM; Submission: 3/19/2024 2:50 PM
Envelope: 15803738

IN THE CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY

JUSTIN K. HOLDER,	*	
Plaintiff,	*	
v.	*	**Civil Case No.: C-02-CV-22-001474**
THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES and ANTHONY BURROWS,	*	
Defendants.	*	
	*	

* * * * * * * *

ORDER

Upon consideration of the Defendants' Motion to Quash, and any opposition thereto and argument thereon, it is this 18th of March, 2024, by the Circuit Court for Anne Arundel County,

ORDERED, that the Defendants' Motion to Quash be and is hereby **GRANTED**; and it is further

ORDERED, that Plaintiffs Subpoenas, with the exception of the subpoena to the Defendant Department of Natural Resources, are hereby **QUASHED**.

03/18/2024 10:58:35 AM

Christine M. Celeste
Judge, Circuit Court for Anne Arundel County
Judge Christine M. Celeste

03/19/2024 - DB

IN THE CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY

JUSTIN HOLDER	*	
Plaintiff	*	
v.	*	CASE NO.: C-02-CV-22-001474
THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, *et al.,*	*	
Defendant(s)	*	

* *

<u>*CONSENT*</u> MOTION FOR WITNESS D. BRUCE POOLE TO APPEAR VIA REMOTE <u>MEANS</u>

COMES NOW Plaintiff, Justin Kyle Holder, ("Mr. Holder") in proper person, and files this consent motion for witness D. Bruce Poole to appear at trial via remote means, in accordance with Md. Rule 21-101 *et seq.*. and for reasons stated herein:

1. Mr. Holder has sued the Defendants for violation(s) of the Maryland Public Information Act, (the "MPIA" or "ACT"), and after a series of unsuccessful dispositive motions filed by the Defendants, this matter is set for trial on April 5, 2024.

2. Plaintiff's Third Amended Complaint, (filed January 23, 2023), at ¶60 alleges:

> On August 12th, 2005 D. Bruce Poole agent for Austin Flook wrote a letter to Ms. Jean Lippard of the Maryland Department of Natural Resources "respectfully" requesting "that any final decision from either the Maryland Department of Natural Resources or the Board of Public Works be postponed for at least two weeks from the date of this letter in order for us to review the matter." And "Mr. Flook is concerned over the extent of the right of-way, any possible future improvements to the right-of-way and any visual impact the use of such right-of-way would have on his farm. As the Maryland Film Office can attest." (The "August 12th 2005 record")

3. Defendants' Answer to Plaintiff's Third Amended Complaint, (filed April 13 2023) at ¶14 alleges that "[t]he defendants are without knowledge sufficient to form a belief as to the truth of the averments in paragraph 57 thru 63."

4. On Wed, Feb 14, 2024 at 11:03 AM Mr. Holder sent an email to D. Bruce Poole, ("Mr. Poole") requesting Mr. Poole's permission for Mr. Holder to "convey to the state that [Mr. Poole] can testify that: 'Mr. Poole sent a letter on behalf of Austin Flook *et. ux*., to Jean Lipphard, (as a DNR employee) on August 12, 2005.'" *See* Ex. A
5. Twelve (12) minutes later, and on Wed, Feb 14, 2024 at 11:15 AM Mr. Poole replied to Mr. Holder and agreed that "Yes-[Mr. Holder] can represent that to the state." *See* Ex. B
6. Mr. Holder attempted in good faith to obtain a stipulation with the Defendants, regarding the truth of the matter in question at Plaintiff's Third Amended Complaint ¶60, including providing Defendants a copy of Ex. A & B. *See* Ex. C, C2 & D.
7. The Defendants "cannot stipulate" to Mr. Poole's testimony but have consented and "will not oppose [Mr. Holder's] motion for remote appearance." *See* Ex. E
8. To prove *inter alia* the truth of the matter in ¶60 of Plaintiff's Third Amended Complaint, Mr. Holder will require testimony from Mr. Poole, an attorney who lives and practices law in Washington County, Maryland, a two (2) hour or more drive from this court.
9. Md. Rule 21-101, *et seq.* governs remote appearances. With respect to evidentiary hearings, the standard is a showing of "good cause." *See* Md. Rule 21-103.
10. All parties have provided their consent to Mr. Poole's remote appearance. *See* Ex. E
11. Furthermore, good cause is present. Mr. Poole's office is in Hagerstown, Maryland, which is a two (2) hour drive to the Anne Arundel County Circuit Court, without traffic. A remote appearance, for the testimony that may be limited to the truth of the matter in Plaintiff's Third Amended Complaint ¶60, (and any cross examination of that fact) would require a very minor time commitment, compared to the required travel time.[1]

[1] Mr. Poole may also be providing testimony as to the material fact of "public interest."

12. Mr. Poole appearing in person would require travel time of four (4) or more hours round trip, minimal time testifying, and an unknown time spent waiting for his turn to testify. Ultimately, this will take an entire day which will take away from Mr. Poole's ability to work for other clients with pending legal matters.

13. Md. Rule 21-201 committee note (1) provides:

> Remote proceedings generally are not recommended when the finder of fact needs to assess the credibility of evidence but may be appropriate when the parties consent or the case needs to be heard on an expedited basis and remote proceedings will facilitate the participation of individuals who would have difficulty attending in person

14. Mr. Poole is an officer of this court, his credibility should not be an issue, and he has already made a written representation as to the truth of the matter of Plaintiff's Third Amended Complaint ¶60.

15. Mr. Poole would have difficulty attending trial, and all parties have consented to Mr. Poole appearing remotely.

WHEREFORE, Mr. Holder respectfully requests that this Honorable Court grant his motion and enter the attached order.

Respectfully submitted,

Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 2024, the foregoing consent motion for witness D. Bruce Poole to appear at trial via remote means was served via MDEC and thus served electronically upon all counsel/parties of record;

Roger L. Wolfe, Jr., *Esq*., and Carl Zarcarius, *Esq*.,
Attorney for Defendant State of Maryland, Department of Natural Services; and
Defendant Anthony Burrows, 6011 Skipjack Ln, Tilghman, MD 21671

Justin K. Holder, *Pro Se*

Gmail Justin Holder <jholder2004@gmail.com>

Subpoena for Business Records - Case C-02-CV-22-1474

Justin Holder <jholder2004@gmail.com> Wed, Feb 14, 2024 at 11:03 AM
To: "D. Bruce Poole" <Bruce.Poole@poolelg.com>

Mr. Poole,

I asked the OAG to kindly let me know prior to close of business today on the Stipulation. I really only need to prove the truth of the matter that you sent the letter, not the truth of what's in it. Thus see no reason for cross exam, unless the state is disputing that you sent it.

May I convey to the state that you can testify that:

"Mr. Poole sent a letter on behalf of Austin Flook et. ux., to Jean Lipphard, (as a DNR employee) on August 12, 2005"

I apologize for all the emails, but the state litigated with an endless supply of our tax money, and Everything is pulling teeth with the state. Thank you for your patience.

Justin
[Quoted text hidden]

EXHIBIT A

Gmail Justin Holder <jholder2004@gmail.com>

Subpoena for Business Records - Case C-02-CV-22-1474

D. Bruce Poole <Bruce.Poole@poolelg.com> Wed, Feb 14, 2024 at 11:15 AM
To: Justin Holder <jholder2004@gmail.com>

Yes-you can represent that to the state.

[Quoted text hidden]

EXHIBIT B

Gmail Justin Holder <jholder2004@gmail.com>

Case C-02-CV-22-1474 Trial Procedures - witnesses

Justin Holder <jholder2004@gmail.com> Wed, Feb 14, 2024 at 10:12 AM
To: Carl Zacarias -DNR- <Carl.Zacarias1@maryland.gov>

Carl,

Good morning and thanks for the email. Since you did not answer my question, **may assume your client does indeed stipulate that:**

"Mr. Poole sent a letter on behalf of Austin Flook et. ux., to Jean Lipphard, (a DNR employee) on August 12, 2005," so that I could release Mr. Poole?

As to the substance of your 9:56 Am today email, I hope you can appreciate that when the deputy AG for DNR tells me that "[a]s a preliminary matter, [DNR] will move to quash most of your subpoenas, including Mr. Poole's," I must try to understand the depuy AG's "grounds for quashing the subpoenas" that I was very diligent in serving to present my case at trial in god faith, (without the advantage of any discovery). Quite frankly, after I thought about it, I thought the deputy AG for DNR should " be more prudent and sleep on stuff like this rather than taking knee-jerk actions," and threatening to "move to quash most of [my] subpoenas." "You'll be helping everyone involved in his litigation, but most importantly, your [client, the DNR]."

In any account, since I have proposed a very simple stipulation, that to my understanding DNR does not dispute the merits of, would it not be prudent to stipulate as opposed to litigate a motion to quash a non-party subpoena?

Have a good morning, please get back to me on the stipulation by close of business, as I have set up a process server for tomorrow.

Very truly yours,

Justin
[Quoted text hidden]

Gmail Justin Holder <jholder2004@gmail.com>

Case C-02-CV-22-1474 Trial Procedures - witnesses

Justin Holder <jholder2004@gmail.com> Wed, Feb 14, 2024 at 11:25 AM
To: Carl Zacarias -DNR- <carl.zacarias1@maryland.gov>

Please add Ex. A and B to the below email as a representation of Mr. Poole's testimony. Please ask your client for a stipulation to this fact, and I will prepare it and file it with the court.

Additionally, please let me know of any concerns over the other Subpoenas you spoke of, so I may address them.

Justin
[Quoted text hidden]

2 attachments

Ex. B - Gmail - Subpoena for Business Records - Case C-02-CV-22-1474.pdf
49K

Ex. A - Gmail - Subpoena for Business Records - Case C-02-CV-22-1474.pdf
54K

EXHIBIT C2

Gmail Justin Holder <jholder2004@gmail.com>

Case C-02-CV-22-1474 Trial Procedures - witnesses

Justin Holder <jholder2004@gmail.com> Thu, Feb 15, 2024 at 9:01 AM
To: Carl Zacarias -DNR- <Carl.Zacarias1@maryland.gov>

Carl,

I really need an answer on the stipulation today, because I will need to file a consent motion for Mr. Poole to appear remotely on April 5, 2024 tomorrow.

I do not believe that the state is disputing Mr. Poole's good word as officer of the court. If the state thinks it has cross examination, please let me know and I can update Mr. Poole accordingly.

Otherwise, I would ask your clients to please stipulate to an undisputed material fact, so we keep the trial time limited. (something both parties would benefit from.)

Sincerely,

Justin
[Quoted text hidden]

EXHIBIT D

Gmail Justin Holder <jholder2004@gmail.com>

Case C-02-CV-22-1474 Trial Procedures - witnesses

Carl Zacarias -DNR- <Carl.Zacarias1@maryland.gov> Thu, Feb 15, 2024 at 4:29 PM
To: Justin Holder <jholder2004@gmail.com>

Justin,

Based on your responses, the State cannot stipulate. I was trying to explore alternatives through an affidavit, but you rejected that.

I will not oppose your motion for remote appearance sol long as the appearance and testimony is done in compliance with the Maryland Rules.

[Quoted text hidden]

EXHIBIT E

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
E-FILED; Anne Arundel Circuit Court
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM
Envelope: 15402862
Envelope: 15400427
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: Lesley Sperling Cruz
4046 Trego Road, Keedysville, Maryland 21756

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date: 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location
at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM
Address of Court or other location Date Time

2024 FEB 13 A 9:39 CLERK'S DEPARTMENT

[X] To testify in the above case, and/or
To produce the following documents, items, and information, not privileged:
Correspondance with the State of Maryland Department of Natural Resources related to an abandoned railroad in Keedysville, Maryland

[ ] To produce, permit inspection and copying of the following documents and other tangible items:

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

- [ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions §1-304 and any other applicable law.
- [ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
- [ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY MD

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method

(specified as required by Rule 2-126): _____.

_____

Signature

_____

Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Envelope: 15402662
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
Envelope: 15401427
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: D. Bruce Poole, Esq.
29 West Franklin Street
Hagerstown, MD 21740

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date: 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM
Address of Court or other location — Date — Time

2024 FEB 13 A 8:39 CLERK OF CIRCUIT COURT

[X] To testify in the above case, and/or (related to communications with the State of Maryland related to abandoned railroad)
[X] To produce the following documents, items, and information, not privileged:
Upon production of the document described infra, no testimony will be required at trial, please file the attached certification of business records and/or declaration out with the pertinent information, and file the certification and the requested document with the court contemporaneously with the filing of the document and the certification the witness will be, and is hereby released fron this subpoena. Alternatively, if the witness no longer can produce the record, testimony will be required, please contact Justin Holder at (240) 356 -2008.

[X] To produce, permit inspection and copying of the following documents and other tangible items:
In accordance of Md. Rule 5-902(12) please produce a copy of a letter dated August 12, 2005 from D. Bruce Poole, Poole & Kane, P.A., addressed to Ms. Jean Lippard, Maryland Department of Natural Resourses, in representation of "Mr. and Mrs. Flook, owners of a farm located at 1906 Dogstreet Road, Keedysville, Maryland 21756," regarding "request for a possible grant of an easement..filed by Mr. Victor Peeke," because "Mr. Flook is concerned over the extent of the right-of-way...and any visual impact...would have on his farm."

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

- [ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions §1-304 and any other applicable law.
- [ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
- [ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY MD

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method (specified as required by Rule 2-126): _____.

_____

Signature

_____

Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
E-FILED; Anne Arundel Circuit Court
Envelope: 15402662
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM
Envelope: 15400427
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: State of Maryland, Department of General Services - Corporate Designee
Serve on Attorney General Anthony Brown at Civil_Service@oag.state.md.us
200 Saint Paul Street, Baltimore, Maryland 21202

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date: 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location
at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM
Address of Court or other location Date Time

[X] To testify in the above case, and/or (related to quit claim deed for abandoned branch of Washington County Railroad in 1991)
[X] To produce the following documents, items, and information, not privileged:
Upon production of the document described infra, no testimony will be required at trial, please file the attached certification of business records and/or declaration out with the pertinent information, and file the certification and the requested document with the cour Contemporaneously with the filing of the document and the certification the witness will be, and is hereby released fron this subpoena. Alternatively, if the witness no longer can produce the record, testimony will be required, please contact Justin Holder at (240) 356 -2008.

[X] To produce, permit inspection and copying of the following documents and other tangible items:
In accordance of Md. Rule 5-902(12) please produce a copy of a document titled "DEPARTMENT OF GENERAL SERVICES ACTION AGENDA" dated "BPW 09/25/91," regarding "REAL PROPERTY CONVEYANCE ITEM DEPARTMENT OF NATURAL RESOURCES CSX Transportation, Inc. Washington County - File #2994," discussing "REMARKS" at " 3. Successors of title may have a reverter interest i subject property and Department may have cause to deal with settling these land disputes at a further date as they are disclosed."

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

[ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions §1-304 and any other applicable law.
[ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
[ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

2024 FEB 13 A 10:39

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method

(specified as required by Rule 2-126): _____.

_____

Signature

_____

Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
E-FILED; Anne Arundel Circuit Court
Envelope: 15402862
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM
Envelope: 15400427
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: State of Maryland, Department of Natural Resources - Corporate Designee
Serve on Attorney General Anthony Brown at Civil_Service@oag.state.md.us
200 Saint Paul Street, Baltimore, Maryland 21202

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date: 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM
Address of Court or other location — Date — Time

2024 FEB 13 A 9:39 ANNE ARUNDEL CO. MD

[X] To testify in the above case, and/or
[ ] To produce the following documents, items, and information, not privileged:
Information related to the public records search subject of this instant lawsuit, potential witnesses may include: Angela Mock, Anthony Burrows, Nina Settina, George Forlifer, Mary Ironside, Cody Litton, Daniel Spedden, Jeanie Lipphard, Christy Bright, and Officer Shirley in Natural Resource Police Records.

[ ] To produce, permit inspection and copying of the following documents and other tangible items:

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

[ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions §1-304 and any other applicable law.
[ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
[ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MD

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method (specified as required by Rule 2-126): _____.

_____
Signature

_____
Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
E-FILED; Anne Arundel Circuit Court
Envelope: 15402862
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM
Envelope: 15400427
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: State of Maryland, Office of Attorney General - Corporate Designee
Serve on Attorney General Anthony Brown at Civil_Service@oag.state.md.us
200 Saint Paul Street, Baltimore, Maryland 21202

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location
at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM.
Address of Court or other location — Date — Time

FILED
2024 FEB 13 A 8:39

[X] To testify in the above case, and/or
To produce the following documents, items, and information, not privileged:
Information related to the public records search subject of this instant lawsuit, and communications between Talley Kovacs and the Washington County State's Attorney office, Joseph Michael, Benjamin Estes, (and his agents Aaron Neal or Michael Schitzer) Frederic Frederick, (and his agents Sarah James, D. Bruce Poole, James Steele, Kevin Murphy, and Savannah Selvaggio), and Rachel Meyers, of the State of Maryland Department of Labor. Talley Kovas may be the best witness to provide the requested testimony.

[ ] To produce, permit inspection and copying of the following documents and other tangible items:

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

- [ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., *Financial Institutions* §1-304 and any other applicable law.
- [ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
- [ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method (specified as required by Rule 2-126): _____.

_____

Signature

_____

Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
E-FILED; Anne Arundel Circuit Court
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: Victor Jewell Peeke
20301 Foxwood Ter, Germantown, MD, 20876

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date: 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location
at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM
Address of Court or other location — Date — Time

[X] To testify in the above case, and/or
[ ] To produce the following documents, items, and information, not privileged:
Authenticate documents related to the transaction and land development of a subdivision in Keedysville, Maryland commonly known as "Rockingham," and testify related to certain transactions and dealings with the State of Maryland program Open space.

[ ] To produce, permit inspection and copying of the following documents and other tangible items:

2024 FEB 13 A 9:39
CIVIL DEPARTMENT

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

- [ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., *Financial Institutions* §1-304 and any other applicable law.
- [ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
- [ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY MD

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method (specified as required by Rule 2-126): _____.

_____

Signature

_____

Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 2/13/2024 11:48 AM; Submission: 2/13/2024 11:48 AM
Docket: 2/13/2024 10:45 AM; Submission: 2/13/2024 10:45 AM
E-FILED; Anne Arundel Circuit Court; Envelope: 15402662
Docket: 2/12/2024 10:14 AM; Submission: 2/12/2024 10:14 AM; Envelope: 15400427
Envelope: 15386022

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND
8 Church Circle
Annapolis, Maryland 21401

Main: 410-222-1397
Civil: 410-222-1431
Criminal: 410-222-1420
Juvenile: 410-222-1427
Trust/Adoption: 410-222-1331
TTY for Deaf: 410-222-1429
Maryland Relay Service: 711

To: Washington County Maryland - Corporate Designee
100 West Washington Street, Hagerstown, Maryland 21740

Case Number: C-02-CV-22-001474 *(Holder v State of MD DNR)*
Issue Date: 2/13/24
Service Deadline: 60 days after the Issue Date.

SUBPOENA

2024 FEB 13 AM 9:38

You are hereby compelled to appear at a [X] court proceeding [ ] deposition at the following location
at: 8 Church Circle, Annapolis, Maryland 21401 on: 04/05/2024 9:00 AM
Address of Court or other location — Date — Time

[X] To testify in the above case, and/or
[X] To produce the following documents, items, and information, not privileged:
Correspondence with the State of Maryland Department of Natural Resources related to an abandoned railroad in Keedysville, Maryland, and building permits, water, sewer and utility construction, and land development and/or subdivision at or near the abandoned railroad.
Property tax bills for the abandoned branch of the Washington County Railroad to CSX Transportation, Chesco, or B & O railroad.
Witnesses may include Jill Baker and Matt Breeden, please contact Justin Holder to discuss the details of testimony.

[ ] To produce, permit inspection and copying of the following documents and other tangible items:

Justin K. Holder requested issuance of this subpoena. Questions should be referred to:
Requested by

Justin Holder
308 West Chapline St
Sharpsburg, MD 21782
(240) 356 - 2008
Jholder2004@gmail.com

Special Message:

[ ] If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions §1-304 and any other applicable law.
[ ] If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.
[ ] Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Scott A. Poyer
Clerk of the Circuit Court

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____

_____ on the following date: _____ by the following method (specified as required by Rule 2-126): _____.

_____

Signature

_____

Printed Name

E-FILED; Anne Arundel Circuit Court
Docket: 11/13/2023 3:58 PM; Submission: 11/13/2023 3:58 PM
Envelope: 14505517

In The Matter of Justin Holder	*	IN THE
Plaintiff	*	CIRCUIT COURT FOR
v.	*	ANNE ARUNDEL COUNTY
	*	MARYLAND
Defendant	*	Case No.: C-02-CV-22-001474

* * * * * * * * * * * * *

CIVIL PRETRIAL SETTLEMENT CONFERENCE ORDER

This Court having conducted a pretrial conference with counsel and the parties, in accordance with Md. Rule 2-504.2, it is this **26th day of October, 2023**, by the Circuit Court for Anne Arundel County,

ORDERED that the parties shall comply with the following provisions:

Pursuant to the Civil Differentiated Case Management (DCM) Plan adopted by this Court as required by Md. Rule 16-202 ***only actions ready for trial will be assigned for trial and tried.***

The deadlines and dates set forth herein are firm dates and may only be changed to prevent manifest injustice by the parties or counsel with the prior approval of the Administrative Judge or his designee, the Civil DCM Judge. Counsel and/or the parties may not change any dates herein, by mutual consent or agreement. In the absence of a genuine emergency or other good cause, last minute continuances will not be granted.

All counsel are advised that in any dispute concerning whether counsel and/or the parties have complied with this Order, ***the Court will not be guided by any agreements made between counsel to modify this Order***, unless expressly approved by the Court. Failure to comply with the provisions of this Order may lead to the imposition of sanctions against the parties and/or their counsel, which may include dismissal, entry of default or monetary sanctions as may be appropriate.

This case must be concluded by the Case Time Standard Deadline which is:

March 05, 2024

☐ **CASE SETTLED**

1. The parties have reached a full and final resolution of all issues in this case as a result of which trial is not necessary. The settlement terms are as follows:

   ☐ The parties reached an agreement which was placed on the record. The agreement, as placed on the record, is incorporated herein by reference as a final order subject to enforcement.

   ☐ Specific terms of agreement:

   _____

   _____

   _____

   ☐ All parties shall execute all releases or other documents necessary to conclude this case. A Line of Dismissal or Order of Satisfaction must be filed on or before _____, 20_____.

11/13/2023 AV

If a Line of Dismissal or Order of Satisfaction has not been filed as directed, this case shall be dismissed by the Court, sua sponte, and sanctions may be imposed.

☐ Open costs shall be paid by the _____.

☐ Settlement terms are satisfied. Clerk to close case forthwith.

☒ CASE NOT SETTLED/NOT READY FOR TRIAL

2. After conducting a Pretrial Settlement Conference, this case is not ready for trial because:

☐ **Discovery** has not been concluded as required by the previous orders of the court. No further discovery shall be permitted, except the following:

_____

_____

_____

All remaining discovery shall be concluded on or before: _____ 20____.
De bene esse depositions, if any, are not controlled by this deadline, but are subject to the provisions of Rule 2-412. The parties are expected to cooperate with each other to coordinate deposition dates.

☐ **ADR** has not been concluded as previously ordered. The parties are ordered to participate in the following ADR: _____

_____

ADR shall be concluded on or before: _____, 20____.

☐ **Motions** are pending as follows: _____

_____

A hearing on the motions is set for: _____, 20___, at _____a.m./p.m., before Judge _____.

☐ **Amendments** to pleadings are necessary. Only the following amendments shall be permitted:

_____

These amendments shall be filed on or before _____, 20_____.

☒ **Other reasons**: parties consulting for possible settlement

_____

_____

No other discovery, amendments, or motions shall be permitted. A trial date will not be set in this case until all parties and counsel comply with this Order or the Court determines that, as a result of sanctions imposed, this case is ready for trial.

☒ A follow-up Pretrial Settlement Conference is scheduled before:

☐ DCM Judge or designee, or

☒ Judge/Magistrate _____ on Nov. 30, 20 23 at 10:30 a.m./~~p.m.~~

The attorneys who will try the case, all parties and insurance representatives with full authority to settle the case, shall be present and prepared to discuss, in good faith, settlement of all issues in this case.

☐ CASE READY FOR TRIAL

3. The Court has determined that all discovery has been completed, all reasonable efforts to settle the matter have been exhausted, all necessary motions have been resolved and the case is ready for trial. **No other discovery, amendments, or motions shall be permitted** (other than Motions in Limine).

Trial on the merits:

This case is **SCHEDULED** for trial beginning on _____, 20_____ at _____a.m./p.m. before

☐ **Judge** _____ ☐ **any judge.**

It is estimated that trial shall last _____day(s).

☐ **Jury Trial Panel:** _____ **Alternates:**_____

☐ **Court Trial**

This is a firm trial date. No continuances will be granted except to prevent manifest injustice, and in accordance with Md. Rule 2-508. Last minute continuances will not be granted absent extraordinary circumstances.

4. **Experts & Witnesses**

No party shall be permitted to call any expert at trial or any other witnesses except those designated in discovery.

5. **Documents and Exhibits**

The parties shall exchange copies of all documents and exhibits to be offered as evidence at trial (except impeachment evidence) no later than 30 days before trial. All such documents shall be deemed authentic, unless a party files objections to authenticity within 15 days thereafter. Other objections to the admissibility of the documents or exhibits are not deemed waived by the failure to object to authenticity.

All parties should familiarize themselves with the use of the Court's audio-visual equipment and must contact the Court at least two (2) days in advance of trial to make arrangements for such equipment to be available.

6. **Voir Dire, Jury Instructions & Verdict Sheet**

Counsel and/or the parties are directed to consult with each other and prepare for submission to the Court **joint** Voir Dire, Jury Instructions and a Verdict Sheet which are not the subject of any disagreement. Counsel may separately submit any disputed voir dire questions, instructions and/or verdict sheet for consideration by the trial judge. Whenever possible, the parties should utilize the latest edition of the Maryland Civil Pattern Jury Instructions (MPJI), published by MICPEL. It shall be sufficient to identify the requested instruction by MPJI number and title without including the full text. The aforementioned papers must be filed no later than twenty days prior to the trial date unless otherwise directed herein.

On the first day of trial, counsel should be prepared to provide the trial judge a diskette containing the Voir Dire, Jury Instructions and Verdict Sheet in WordPerfect or Word format so that modifications can be made, if necessary.

7. **Motions In Limine, and/or Pretrial Memoranda**

A Motion to Strike an expert witness or expert witness testimony pursuant to Md. Rule 5-702 and *Rochkind v. Stevenson,* 471 Md. 1, 236 A.3d 630 (2020) must be filed ninety (90) days prior to the trial date. The deadline to file all other motions in limine will be twenty (20) days prior to the trial date.

8. **Settlement**

The Court does not over-book trials; therefore, if a settlement is reached, the parties shall promptly file a *Stipulation of Dismissal or an Order of Satisfaction* with the Clerk and a copy to the DCM office. If such documents are not filed at least seven (7) days prior to the trial date, all parties, counsel and representatives may be required to appear on the trial date. Trial dates shall not be continued by consent pending the completion of a settlement. Trial dates may only be canceled or continued by the Civil DCM Judge.

9. **Request for Accommodation/Interpreter**

Please notify the Court Administrator (410)222-1404 as early as possible of any reasonable accommodation needed because of a disability or the need for an interpreter. Any other questions regarding this Order should be addressed to the Office of Civil Case Management (410) 222-1215, ext 5.

10. **Any other matter**

Recommended by:

Magistrate Date

Date **Judge**

☐ Plaintiff ☐ Defendant

☐ Plaintiff ☐ Defendant

☐ Insurance Representative

☐ Attorney for Plaintiff ☐ Attorney for Defendant

☐ Attorney for ☐ Attorney for

E-FILED; Anne Arundel Circuit Court
Docket: 12/1/2023 2:28 PM; Submission: 12/1/2023 2:28 PM
Envelope: 14686080

In the Matter of Justin Holder	*	IN THE
Plaintiff	*	CIRCUIT COURT FOR
v.	*	ANNE ARUNDEL COUNTY
	*	MARYLAND
Defendant	*	Case No.: C-02-CV-22-001474

* * * * * * * * * * * * *

CIVIL PRETRIAL SETTLEMENT CONFERENCE ORDER

This Court having conducted a pretrial conference with counsel and the parties, in accordance with Md. Rule 2-504.2, it is this **30th day of November, 2023**, by the Circuit Court for Anne Arundel County,

ORDERED that the parties shall comply with the following provisions:

Pursuant to the Civil Differentiated Case Management (DCM) Plan adopted by this Court as required by Md. Rule 16-202 ***only actions ready for trial will be assigned for trial and tried.***

The deadlines and dates set forth herein are firm dates and may only be changed to prevent manifest injustice by the parties or counsel with the prior approval of the Administrative Judge or his designee, the Civil DCM Judge. Counsel and/or the parties may not change any dates herein, by mutual consent or agreement. In the absence of a genuine emergency or other good cause, last minute continuances will not be granted.

All counsel are advised that in any dispute concerning whether counsel and/or the parties have complied with this Order, ***the Court will not be guided by any agreements made between counsel to modify this Order***, unless expressly approved by the Court. Failure to comply with the provisions of this Order may lead to the imposition of sanctions against the parties and/or their counsel, which may include dismissal, entry of default or monetary sanctions as may be appropriate.

This case must be concluded by the Case Time Standard Deadline which is:

March 05, 2024

☐ **CASE SETTLED**

1. The parties have reached a full and final resolution of all issues in this case as a result of which trial is not necessary. The settlement terms are as follows:
   - ☐ The parties reached an agreement which was placed on the record. The agreement, as placed on the record, is incorporated herein by reference as a final order subject to enforcement.
   - ☐ Specific terms of agreement:

     _____

     _____

     _____

   - ☐ All parties shall execute all releases or other documents necessary to conclude this case. A Line of Dismissal or Order of Satisfaction must be filed on or before _____, 20____.

12/1/2023 mkp

If a Line of Dismissal or Order of Satisfaction has not been filed as directed, this case shall be dismissed by the Court, sua sponte, and sanctions may be imposed.

☐ Open costs shall be paid by the _____.

☐ Settlement terms are satisfied. Clerk to close case forthwith.

☐ **CASE NOT SETTLED/NOT READY FOR TRIAL**

2. After conducting a Pretrial Settlement Conference, this case is not ready for trial because:

☐ **Discovery** has not been concluded as required by the previous orders of the court. No further discovery shall be permitted, except the following:

_____

_____

_____

All remaining discovery shall be concluded on or before: _____20____.
De bene esse depositions, if any, are not controlled by this deadline, but are subject to the provisions of Rule 2-412. The parties are expected to cooperate with each other to coordinate deposition dates.

☐ **ADR** has not been concluded as previously ordered. The parties are ordered to participate in the following ADR: _____

_____

ADR shall be concluded on or before: _____, 20____.

☐ **Motions** are pending as follows: _____

_____

A hearing on the motions is set for: _____, 20___, at _____a.m./p.m., before Judge _____.

☐ **Amendments** to pleadings are necessary. Only the following amendments shall be permitted:

_____

These amendments shall be filed on or before _____, 20_____.

☐ **Other reasons**: _____

_____

_____

No other discovery, amendments, or motions shall be permitted. A trial date will not be set in this case until all parties and counsel comply with this Order or the Court determines that, as a result of sanctions imposed, this case is ready for trial.

☐ A follow-up Pretrial Settlement Conference is scheduled before:

☐ DCM Judge or designee, or

☐ Judge/Magistrate_____ on _____, 20_____ at _____ a.m./p.m.

The attorneys who will try the case, all parties and insurance representatives with full authority to settle the case, shall be present and prepared to discuss, in good faith, settlement of all issues in this case.

☒ CASE READY FOR TRIAL

3. The Court has determined that all discovery has been completed, all reasonable efforts to settle the matter have been exhausted, all necessary motions have been resolved and the case is ready for trial. **No other discovery, amendments, or motions shall be permitted** (other than Motions in Limine).

Trial on the merits:

This case is **SCHEDULED** for trial beginning on April 5, 2024 at 9:00 a.m./~~p.m.~~ before

☐ **Judge** _____ ☒ **any judge.**

It is estimated that trial shall last 1 day(s).

☐ **Jury Trial Panel:** _____ **Alternates:** _____

☒ **Court Trial**

This is a firm trial date. No continuances will be granted except to prevent manifest injustice, and in accordance with Md. Rule 2-508. Last minute continuances will not be granted absent extraordinary circumstances.

4. **Experts & Witnesses**

No party shall be permitted to call any expert at trial or any other witnesses except those designated in discovery.

5. **Documents and Exhibits**

The parties shall exchange copies of all documents and exhibits to be offered as evidence at trial (except impeachment evidence) no later than 30 days before trial. All such documents shall be deemed authentic, unless a party files objections to authenticity within 15 days thereafter. Other objections to the admissibility of the documents or exhibits are not deemed waived by the failure to object to authenticity.

All parties should familiarize themselves with the use of the Court's audio-visual equipment and must contact the Court at least two (2) days in advance of trial to make arrangements for such equipment to be available.

6. **Voir Dire, Jury Instructions & Verdict Sheet**

Counsel and/or the parties are directed to consult with each other and prepare for submission to the Court **joint** Voir Dire, Jury Instructions and a Verdict Sheet which are not the subject of any disagreement. Counsel may separately submit any disputed voir dire questions, instructions and/or verdict sheet for consideration by the trial judge. Whenever possible, the parties should utilize the latest edition of the Maryland Civil Pattern Jury Instructions (MPJI), published by MICPEL. It shall be sufficient to identify the requested instruction by MPJI number and title without including the full text. The aforementioned papers must be filed no later than twenty days prior to the trial date unless otherwise directed herein.

On the first day of trial, counsel should be prepared to provide the trial judge a diskette containing the Voir Dire, Jury Instructions and Verdict Sheet in WordPerfect or Word format so that modifications can be made, if necessary.

7. **Motions In Limine, and/or Pretrial Memoranda**

A Motion to Strike an expert witness or expert witness testimony pursuant to Md. Rule 5-702 and *Rochkind v. Stevenson,* 471 Md. 1, 236 A.3d 630 (2020) must be filed ninety (90) days prior to the trial date. The deadline to file all other motions in limine will be twenty (20) days prior to the trial date.

8. **Settlement**

The Court does not over-book trials; therefore, if a settlement is reached, the parties shall promptly file a *Stipulation of Dismissal or an Order of Satisfaction* with the Clerk and a copy to the DCM office. If such documents are not filed at least seven (7) days prior to the trial date, all parties, counsel and representatives may be required to appear on the trial date. Trial dates shall not be continued by consent pending the completion of a settlement. Trial dates may only be canceled or continued by the Civil DCM Judge.

9. **Request for Accommodation/Interpreter**

Please notify the Court Administrator (410)222-1404 as early as possible of any reasonable accommodation needed because of a disability or the need for an interpreter. Any other questions regarding this Order should be addressed to the Office of Civil Case Management (410) 222-1215, ext 5.

10. **Any other matter**

Recommended by:

Magistrate Date

11/30/23
Date **Judge**

☐ Plaintiff

☐ Plaintiff

☐ Attorney for Plaintiff

☐ Attorney for

☐ Defendant

☐ Defendant

☐ Insurance Representative

☐ Attorney for Defendant

☐ Attorney for

E-FILED: Anne Arundel Circuit Court
Docket: 4/9/2024 9:24 AM; Submission: 4/9/2024 9:24 AM
Envelope: 16030482

Civil Hearing Sheet
IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

In The Matter of Justin Holder
Plaintiff / Petitioner
( )

VS

Defendant / Respondent
( )

Case No. C-02-CV-22-1474

Date: April 5, 2024

Clerk: D. Lowe
4A

Case called for Hearing on Court Trial

In Open Court before Judge Michael Wachs

Counsel Carl Zacarias heard on behalf of all Respondents, Maryland Department of Natural Resources and Anthony Burrows. Anthony Burrows heard. Petitioner, Justin Holder heard. Court moved forward on the Third Amended Complaint. Testimony taken.

Court placed findings on the record. Court finds in favor of the Defendants, Maryland Department of Natural Resources and Anthony Burrows.

Exhibits Tracked In Odyssey.

At the direction of the Court, all exhibits returned to Counsel and Petitioner in open Court.

Hearing Sheet signed as Order of Court.

04/09/2024 GNT

CASE NO. C-02-CV-22-1474
DATE: 4-05-24

All exhibits returned to counsel.

Plaintiff/State

Defendant

Judge

Respondent's Witness:
Anthony Burrows swn: 4/5/24

Petitioner's Witness
Justin Holder swn: 4/5/24

IN THE CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY

JUSTIN HOLDER	*	
	*	
Plaintiff	*	
v.	*	CASE NO.: C-02-CV-22-001474
	*	
STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, et. Al.,	*	
	*	
Defendant(s)	*	

* *

NOTICE OF APPEAL

COMES NOW Plaintiff, Justin Kyle Holder, in proper person, and files this Plaintiff's Notice of Appeal to the Appellate Court of Maryland, in accordance with MD Rule(s) 8-202; MD. Courts and Judicial Proceedings Code Ann.§§ 12-301 & 12-303; and hereby appeals this courts April 5, 2024 final judgement; and in accordance of Md. Rule 8-411 does notify the clerk of the lower court that an order to the court report to transcribe the April 5, 2024 proceeding has been made by Plaintiff. The Civil Information Report to the Appellate Court of Maryland is attached hereto and incorporated herein by reference.

Respectfully submitted,

Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2024, the foregoing Notice of Appeal, and Civil Information Report was served via MDEC and thus served electronically upon all counsel/parties of record;

Roger L. Wolfe, Jr., *Esq*., and Carl Zarcarius, *Esq.*,
Attorney for Defendant State of Maryland, Department of Natural Services; and
Defendant Anthony Burrows, 6011 Skipjack Ln, Tilghman, MD 21671

Justin K. Holder, *Pro Se*

E-FILED; Anne Arundel Circuit Court
E420 Docket: 3/19/2024 2:50 PM; Submission: 3/19/2024 2:50 PM
Envelope: 15803738

IN THE CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY

JUSTIN K. HOLDER,	*	
Plaintiff,	*	
v.	*	**Civil Case No.: C-02-CV-22-001474**
THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES and ANTHONY BURROWS,	*	
Defendants.	*	
	*	

* * * * * * * *

ORDER

Upon consideration of the Defendants' Motion to Quash, and any opposition thereto and argument thereon, it is this 18th of March, 2024, by the Circuit Court for Anne Arundel County,

ORDERED, that the Defendants' Motion to Quash be and is hereby **GRANTED**; and it is further

ORDERED, that Plaintiffs Subpoenas, with the exception of the subpoena to the Defendant Department of Natural Resources, are hereby **QUASHED**.

03/18/2024 10:58:35 AM

Christine M. Celeste
Judge, Circuit Court for Anne Arundel County
Judge Christine M. Celeste

03/19/2024 - DB